Oklahoma Statutes Citationized

Title 10. Children

Chapter 18 - Oklahoma Child Care Facilities Licensing Act

Section 406 - Investigations and Visitation

Cite as: O.S. §, __ __

A. The Department of Human Services shall have authority at any reasonable time to investigate and examine the conditions of any child care facility in which a licensee or applicant hereunder receives and maintains children, and shall have authority at any time to require the facility to provide information pertaining to children in its care.

B. 1. The **State Department of Health** may visit any licensee or applicant at the request of the Department to advise on matters affecting the health of children and to inspect the sanitation of the buildings used for their care.

2. The State Fire Marshal may visit any licensee or applicant at the request of the Department to advise on matters affecting the safety of children and to inspect the condition of the buildings used for their care.

C. 1. Upon receipt of a complaint against any child care facility alleging a violation of the provisions of the Oklahoma Child Care Facilities Licensing Act, or any licensing standard promulgated by the Department, the Department shall conduct a full investigation. If upon investigation, it is determined that there are reasonable grounds to believe that a facility is in violation of the Oklahoma Child Care Facilities Licensing Act or of any standard or rule promulgated pursuant thereto, the Department shall:

a. document the complaint,

b. provide the complaint allegations in writing to the facility involved and, upon written request by the child care facility, provide a summary of the facts used to evaluate the completed complaint, and

c. document the facility's plan for correcting any substantiated violations.

2. If the Department determines there has been a violation and the violation has a direct impact on the health, safety or well-being of one or more of the children cared for by the facility, the Department shall notify the facility and require correction of the violation.

3. The Department shall notify the facility that failure to correct the confirmed violation can result in the revocation of the license, the denial of an application for a license, the issuance of an emergency order or the filing of an injunction pursuant to the provisions of Section 409 of this title.

4. If the facility refuses to correct a violation or fails to complete the plan of correction, the Department may issue an emergency order, revoke the license, or deny the application for a license. Nothing in this section or Section 407 of this title shall be construed as preventing the Department from denying an application, revoking a license, or issuing an emergency order for a single violation of this act, or the rules of the Department as provided in Section 404 of this title.

D. Upon the completion of the investigation of a complaint against any child care facility alleging a violation of the provisions of the Oklahoma Child Care Facilities Licensing Act or any licensing standard promulgated thereto by the Department, the Department shall clearly designate its findings on the first page of the report of the investigation. The findings shall state whether the complaint was substantiated or unsubstantiated.

E. Information obtained by the Department or Oklahoma Child Care Services concerning a report of a violation of a licensing requirement, or from any licensee regarding children or their parents or other relatives shall be deemed confidential and privileged communications, shall be properly safeguarded, and shall not be accessible to anyone except as herein provided, unless upon order of a court of competent jurisdiction. Provided, however, this provision shall not prohibit the Department from providing a summary of allegations and findings of an investigation involving a child care facility that does not disclose identities but that permits parents to evaluate the facility.

Historical Data

Laws 1953, SB 338, p. 19, § 6; Amended by Laws 1963, SB 168, c. 89, § 6, emerg. eff. May 23, 1963; Amended by Laws 1993, HB 1491, c. 122, § 6, emerg. eff. April 29, 1993; Amended by Laws 1995, SB 384, c. 222, § 2, eff. November 1, 1995; Amended by Laws 1999, SB 664, c. 130, § 2, emerg. eff. April 26, 1999 (superseded document available); Amended by Laws 2001, SB 39, c. 174, § 7, eff. November 1, 2001 (superseded document available); Amended by Laws 2004, SB 1111, c. 187, § 3, eff. November 1, 2004 (superseded document available); Amended by Laws 2008, HB 2643, c. 296, § 6, eff. November 1, 2008 (superseded document available); Amended by Laws 2009, HB 1742, c. 230, § 8, emerg. eff. May 21, 2009 (superseded document available); Amended by Laws 2013, SB 917, c. 308, § 9, eff. Novermber 1, 2013 (superseded document available).

Citationizer© Summary of Documents Citing This Document

Cite	Name	Level
Oklahoma Attorney General's Opinions		
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1984 OK AG 82,	Question Submitted by: Jack Smith, Director, J.D. McCarty Center for Handicapped Children	Cited
Title 10. Children		
Cite	Name	Level
10 O.S. 407,	Revocation or Denial of Issuance of License	Cited

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